

### REMARKS

This Amendment is filed simultaneously with filing of the above identified application.

With the present Amendment applicants have amended claims 1 and 8, the broadest independent claims, made some formal changes in other dependent claims, and also submitted two new independent claims 15 and 16.

It is respectfully submitted that the independent claims currently on file clearly and patentably distinguish the present invention from the references applied by the Examiner against the claims in the original application.

In the parent application the Examiner rejected the claims over the combination of the teachings of the patents to Tsai and Vassos.

The patent to Tsai discloses a solution which is considered to be the most pertinent prior art. In the device disclosed in this reference there is a percussion drive of the output shaft, and the pulses are supplied through

the arresting device.

The hand-guided drilling machine in accordance with the present invention is a further improvement of the machine of the prior art and it incorporates a solution which is especially suitable from percussion drilling machines with a strikingly drivable drilling spindle. The hand power tool disclosed in the patent to Vassos does not disclose however a strikingly drivable output shaft, and from this reference it can not be recognized how a percussion drive of the output shaft can be realized.

A motor shaft 48 is arranged coaxially, with a small distance relative to an output shaft 20 as shown in Figures 1 and 3. Therefore, between the shaft 48, 20 there is no mounting space for a percussion mechanism. In view of this considerations, it is questionable that a person skilled in the art would consider the teaching of the patent to Vassos for modifying the teaching of the patent to Tsai in order to arrive at the applicant's invention. However, even if for some reasons a person of ordinary skill would use the teaching of the patent to Vassos he would not arrive to the new feature of the present invention which are now defined in the independent claims of the present application.

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inc.  
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The invention disclosed in the patent to Tsai has the objective of providing an output shaft with a special arresting device, as explained in column 1, lines 48-49. In order to realize this objective, the patent to Tsai discloses that an output shaft is subdivided into an inner shaft and an outer shaft, as explained in column 4, claim 1, lines 14-15 "said output shaft is divided into an inner shaft and an outer shaft". If a person skilled in the art utilize the teaching from the known solution disclosed in the patent to Vassos, then the output shaft 20 would be subdivided into an inner shaft and an outer shaft, and the arresting device will be mounted between the subdivided output shaft 20.

It is believed to be clear that from consideration of the solutions proposed in the patents to Tsai and Vassos individually, or from a joint consideration of the teachings of the patents to Tsai and Vassos, a person of ordinary skill in the art would not deviate from the basic solution proposed in the patent to Tsai to subdivide the output shaft 20, and he would not arrive at a hand-guided drilling machine in which the arresting device is provided between the intermediate shaft and a housing part.

*See new rejection*

It is therefore believed that the new features of present invention which are now defined in the independent claims are not disclosed

in the references, and can not be derived from them as a matter of obviousness either taken singly or in combination with one another.

In view of the above presented remarks and amendments, it is believed that the independent claims currently on file should be considered as patentably distinguishing over the art and should be allowed.

As for the dependent claims, these claims depend on the corresponding independent claims, and they share their presumably allowable features, and therefore it is respectfully submitted that these claims should be allowed as well.

Where?  
also  
not indicated  
or  
transmitted

With the present Amendment applicant has also submitted a translation of the priority document.

Reconsideration and allowance of present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance,

then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Any costs involved should be charged to the deposit account of the undersigned (No. 19-4675). Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



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